

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
RAYMOND BROWN,

Petitioner,

-against-

DARWIN LACLAIRE, Superintendent,  
Great Meadow Correctional  
Facility,

Respondent.  
-----X

KIMBA M. WOOD, U.S.D.J.:

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07 Civ. 5906 (KMW)

ORDER


Petitioner Raymond Brown filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on June 21, 2007. Respondent's answer to the petition is due on March 17, 2008. (Memo Endorsement of Letter by Nancy D. Killian, Feb. 1, 2008 (Dkt. No. 4).) Presently before the Court is Petitioner's application for the appointment of counsel pursuant to 18 U.S.C. 3006A(g). (Dkt. No. 3.)

The Court has discretion under the Criminal Justice Act ("CJA") to appoint counsel to any person seeking relief pursuant to 28 U.S.C. § 2254 "[w]hen . . . the interests of justice so require and such person is financially unable to obtain representation." 18 U.S.C. § 3006A. In making this determination, the Court must first ascertain "whether the indigent's position seems likely of substance." Hodge v. Police Officers, 802 F.2d 58, 61 (2d Cir. 1986). In this case, the

Court is unable to make such a determination based on the papers submitted thus far. Accordingly, Petitioner's application to appoint counsel is denied without prejudice at this time. Petitioner may renew his application after Respondent has filed an answer to the petition. Petitioner is directed to the Pro Se Office, 500 Pearl Street, New York, NY 10007, (212) 805-0175, for the appropriate procedures for renewing his application.

SO ORDERED.

Dated: New York, New York  
March 4, 2008

  
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Kimba M. Wood  
United States District Judge